

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**Criminal Misc. No.M-31430 of 2017(O&M)
Date of Decision: December 19, 2017.**

Kulwinder Singh @ Kinda

Petitioner.

Versus

State of Punjab

Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Ashish Aggarwal, Advocate
for the petitioner.

Mr.Rahul Rathore, DAG, Punjab.

LISA GILL, J.

Petitioner seeks the concession of bail pending trial in FIR No.33 dated 19.02.2017, under Section 363, 366-A IPC (Subsequently Section 376 IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012, added), registered at Police Station Jhabhal, District Tarn Taran.

It is submitted that the petitioner himself is about 18 years old. He is not involved in any other criminal case. He has been falsely implicated in this case. As per the allegations in the FIR, the complainant's daughter was not found present at her home on 18.02.2017 at about 5/ 6.00.a.m. Allegation was raised that the present petitioner had enticed the complainant's minor daughter.

Learned counsel for the petitioner submits that the complainant as well as the alleged victim in this case have not supported the prosecution version while testifying before the learned trial Court on 28.11.2017 and 07.12.2017. The petitioner has been in custody since 19.02.2017. It is thus prayed that this petition

be allowed.

Photocopies of the statements of the PW-1-Sajjan Singh (complainant) and PW-2 (prosecutrix), furnished in Court today, are taken on record subject to just exceptions.

Learned counsel for the State is unable to deny that the prosecutrix as well as the complainant have not supported the prosecution version. They have been declared hostile and subjected to cross-examination.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in Court, if released on bail. No useful purpose would be served by keeping the petitioner incarcerated any longer in the facts and circumstances of this case.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition filed by petitioner-Kulwinder Singh @ Kinda, is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

19.12.2017
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.